

NPDES PERMIT NO. NM0028355
RESPONSE TO COMMENTS

RECEIVED ON THE SUBJECT DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION
SYSTEM (NPDES) PERMIT IN ACCORDANCE WITH REGULATIONS LISTED AT 40CFR124.17

APPLICANT:

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AND

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PERMIT ACTION: Final permit decision and response to comments received on the draft
reissued NPDES permit publicly noticed on June 29, 2013.

DATE PREPARED: December 3, 2013

Unless otherwise stated, citations to 40CFR refer to promulgated regulations listed at Title 40, Code of
Federal Regulations, revised as of July 1, 2013.

SIGNIFICANT CHANGES FROM DRAFT PERMIT

There are significant changes from the draft reissued permit publicly noticed on June 29, 2013. All minor changes and their rationale for changes can be found in the following response to conditions of certification or response to comments.

- A. Method 1668C for PCBs is added to the final permit in accordance with the State conditions of certification;
- B. Effluent limitations and monitoring requirements for impaired parameters in discharges to impaired waters are added to the final permit in accordance with the State conditions of certification; and
- C. 6T3 temperature limitation is added to Outfall 001 in accordance with the State conditions of certification.

State Certification

State certification letter from Mr. James Hogan (NMED) to Mr. William Honker (EPA), dated September 19, 2013, conditionally certifies that the discharge will comply with the applicable provisions of the Clean Water Act and with appropriate requirements of State law. NMED also includes comments in the certification letter.

Note: Inclusion of permit requirements to comply with conditions of certification are required by 40 CFR § 124.55(a)(2). Challenges to conditions of certification must be made through NMED. In any case, if conditions are based on procedures or guidelines, rather than state regulations or statutes, EPA would treat those conditions as recommendations or comments, and would respond accordingly. If any condition will result in less stringent permit conditions, then EPA would treat those conditions as a statement of the extent to which the permit could be made less stringent (see 40 CFR §124.53(e)(3)).

Comments Received From Other Entities

Letter from Ms. Kathleen Sanchez (TEWA Women United) to Ms. Diane Smith (EPA) via e-mail dated August 12, 2013.

Letter from Ms. Paula Garcia (New Mexico Acequia Association) to Ms. Diane Smith (EPA) via e-mail dated August 12, 2013.

Letter from Meses. Rachel Conn, Joni Arends, and Marian Naranjo (Communities For Clean Water) to Ms. Diane Smith (EPA) via e-mail dated August 13, 2013.

Letter from Ms. Becky Rafter (Georgia Women's Action for New Directions) to Ms. Diane Smith (EPA) via e-mail dated August 13, 2013.

Letter from Ms. Sheri Kotowski (The Carnelian Center) to Ms. Diane Smith (EPA) via e-mail dated August 13, 2013.

Letter from Messrs. Alison M. Dorries and Gene E. Turner (Los Alamos National Laboratory-LANL) to Ms. Diane Smith (EPA) via email dated August 13, 2013.

Individuals who sent comments via email are (in the order of last name): Ms. Diana Baker, Ms. Bobbe Besold, Ms. Jon Block, Mr. John Boomer, Ms. Jeanne Green, Mr. Don Hide, Ms. Marilyn Hoff, Ms. Dominique Mazeaud, Ms. Shannon Romeling, Ms. Ramona Ruark, Ms. Deborah Schreifels, and Ms. Jacqueline Wasilewski.

EPA's Responses to NMED's Conditions of Certification

Condition #1 (PCB Monitoring and Effluent Limitations): NMED conditioned that "USEPA must revise the draft permit to include a monitoring and compliance maximum discharge limit for Polychlorinated biphenyls (PCBs) of 0.00064 micrograms per ~~Litter~~ Liter ($\mu\text{g/L}$). The State will require that monitoring and reporting of PCBs be performed in accordance with USEPA published Method 1668C or later revisions. Pursuant to 20.6.4.14.A (3) NMAC, Method 1668C is a State approved method for testing surface wastewater discharges. Additionally, Method 1668C has a Minimum Quantification Level (MQL) set at or below the applicable and limiting State WQS found in 20.6.4.900.J (2) NMAC. Further supporting this requirement is that Method 1668C is the only known and least restrictive and readily available laboratory wastewater sampling method that can reasonably assure that the proposed discharges do not exceed the WQS limits of 20.6.4.900.J (2) NMAC. As a valid state law condition and limitation pursuant to Section 401 (d) (33 U.S.C. §1341 (d)) and 40 C.F.R. 124.53(e)(3), and in accord with 20.6.2.2001.B NMAC, USEPA must include this requirement in the final permit. 33 U.S.C. 1341 (a); 40 C.F.R. §124.53 (a). EPA will need to determine how footnotes or other language in the Final Permit should best be changed to meet this condition however the State provides the following suggestions on how USEPA can incorporate the PCB conditions to certification."

Comment [b1]: Where are the NMED suggestions?

Response: As required by the conditions of certification, the final permit includes daily maximum limit of 0.00064 $\mu\text{g/l}$ of PCBs and NMED suggested footnote languages including the Minimum Qualification Level (MQL) in the certification. When EPA proposed the draft permit, all footnotes related to PCB limitations and monitoring requirements were under the basis that analytical results from the Method 1668 are not for compliance purposes. ~~Because the basis changes, EPA considers all NMED suggested permit languages regarding PCBs that are incorporated into the final permit, including footnotes, to -including footnotes related to PCB which are incorporated into the final permit are to be integral to complying with parts of NMED's condition of certification.~~

Comment [b2]: What do we do about a MQL?

Condition #2 (Outfalls 001, 027 & 199, Discharges to Impaired Receiving Waters in 20.6.4.126 NMAC): NMED issued the following ~~conditioned conditions~~:

(Condition #2a) For Outfalls 001, 027 and 199, Part I.A of the Final Permit must control aluminum and copper pollutants by the use of effluent limitations based on the most limiting applicable State WQS numeric criteria for the receiving stream in Segment 20.6.4.126 NMAC." NMED provided the following criteria

	Calculated Chronic Aquatic Life Criteria
Total Recoverable Aluminum	988.9 $\mu\text{g/L}$ (0.9889 mg/L)
Dissolved Copper	7.3 $\mu\text{g/L}$ (0.0073 mg/L)

Response: As required by the conditions of certification, EPA adds NMED provided numeric criteria for total recoverable aluminum and dissolved copper as daily maximum effluent limitations for Outfalls 001, 03A027 and 03A199.

*we proposed MQL for
EPA approved Arco/ Methy*

(Condition #2b) For Outfall 199, Part I.A of the Final Permit must control mercury by the use of effluent limitations based on the most limiting applicable State WQS numeric criteria for the receiving stream in Segment 20.6.4.126 NMED. NMED provided the following criteria

Pollutant	Designated Use	Numeric Criteria
Total Mercury	Wildlife Habitat	0.77 µg/L
Dissolved Mercury	Chronic Aquatic Life	0.77 µg/L

Response: As required by the conditions of certification, EPA adds NMED provided numeric criteria for total mercury and dissolved mercury (~~Note: the permittee needs to report both total and dissolved values~~) as daily maximum effluent limitations for Outfall 03A199 (~~Note: the permittee needs to report both total and dissolved values~~).

(Condition #2c) For Outfalls 001, 027 and 199, there were no effluent concentration data for adjusted gross alpha in the application. For pollutants that are Probable Causes of Impairment for which there are no effluent characteristic data, NMED requires confirmation of effluent characteristics, at least one time effluent characteristic monitoring and reporting as soon as practicable....

Response: As required by the conditions of certification, EPA adds monitoring and reporting requirements for adjusted gross alpha for Outfall 001, 03A027 and 03A199.

Because NMED did not specify the sample type and monitoring frequency, same sample type (grab sample) with other regulated parameters and the minimum frequency of 1/year as required by the federal regulation are established for aluminum, copper and mercury. Monitoring frequency of once per permit term and grab sample are established for adjusted gross alpha. The general reopener clause in Part II.E. covers the reopener clause requirement.

NMED supposed to develop a total maximum daily load (TMDL) for each pollutant of concern for impaired waters, so public would have opportunities to review and comment on proposed TMDL(s) and EPA would also have opportunity to review and approve such TMDL(s) before EPA may incorporate approved TMDL(s) into the permit. By imposing WQS to be interim effluent limitations under conditions of certification as described here and below, NMED has bypassed the procedures required by the CWA section 303(d)(1)(C). Because the following three reasons: (1) NMED allows compliance schedule to be incorporated into the final permit and NMED did not provide any specific schedule, (2) neither NMED nor EPA may know whether such interim limits will be less (or more) stringent than the future TMDLs or not, and (3) the receiving stream is dominated by discharge at Outfall 001 and the change of effluent quality at Outfall 001 may result in a change of impairment status, EPA establishes the compliance date to be the date when EPA approves the site-specific TMDLs. This compliance schedule applies to all effluent limitations established based on NMED conditions of certification for discharges to impaired waters.

Comment [b13]: Need to rework this paragraph. NMED doing an alternative to TMDL based on permit will control so will not need to do a TMDL. Need to think on schedules, but cannot base on approval of TMDL. Lets discuss.

*3 years compliance schedule
Need insert schedule
in the permit*

Response Rewritten

Condition #3 (Outfalls 13S, 055, 051, 022, 181, 048, 113 & 160, Discharges to Impaired Receiving Waters in 20.6.4.128 NMED): NMED issued following conditioned conditions:

(Condition #3a) For Outfalls 181, 113 and 048, Part I.A of the Final Permit must control copper pollutants by the use of effluent limitations based on the most limiting applicable State WQS numeric criteria for the receiving stream in Segment 20.6.4.128 NMED. NMED provided the following criteria

Outfall #	Acute Dissolved Copper Aquatic Life Numeric Criteria
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181	0.0115 mg/l (11.5 µg/l)
048	0.0233 mg/l (23.3 µg/l)
113	0.0218 mg/l (21.8 µg/l)

Response: As required by the conditions of certification, EPA adds NMED provided numeric limits for dissolved copper to Outfalls 03A181, 03A048 and 03A113, respectively.

(Condition #3b) NMED required mercury limitations to be established for Outfall 048 and stated that "For discharges that contribute to a currently listed impairment, a mercury WQBEL is required by 40 CFR 122.44(d)(1)(ii) and (iii) and State WQS 20.6.4.8.A.5 and 6 NMAC (Implementation Plan) consistent with the WQMP to ensure that NPDES permits are protective of State WQS. The following are the applicable numeric criteria in State WQS 20.6.4.900.H(7) for limited aquatic life and 20.6.4.900 NMAC:

Pollutant	Designated Use	Numeric Criteria
Total Mercury	Wildlife Habitat	0.77 µg/L
Dissolved Mercury	Acute Aquatic Life	1.4 µg/L

Response: As required by the conditions of certification, EPA adds NMED provided numeric limits for total mercury and dissolved mercury, to Outfall 03A048, respectively.

(Condition #3c) For Outfalls 13S, 181, 113, 048 and 160, the Final Permit must control aluminum by the use of effluent limitations based on the applicable State WQS numeric criteria for the receiving stream in Segment 20.6.4.128 NMAC. Total recoverable aluminum WQBELs at least as protective of applicable State WQS are required by 40 CFR 122.44(d)(1)(ii) and (iii) and State WQS 20.6.4.8.A.5 and 6 NMAC and is consistent with the State WQMP. The acute aquatic life criteria apply to the receiving waters (State WQS 20.6.4.900.H(7) NMAC for Limited Aquatic Life) of Outfalls 13S, 181, 113, 048 and 160. Hardness-dependent Acute Aquatic Life numeric criteria for total recoverable aluminum can be calculated for this permit action as described in State WQS 20.6.4.900 NMAC using the outfall effluent total hardness as CaCO₃ in the application consistent with the USEPA reasonable potential analysis in the Fact Sheet. However, for CWA purposes, USEPA did not approve hardness-based equations for aluminum in waters with pH below 6.5 as in State WQS 20.6.4.900 NMAC. The pH limitations in the Draft Permit for receiving waters in Segment 20.6.4.128 NMAC are a range between 6.0 to 9.0 standard unit consistent with the state WQMP. USEPA must incorporate an aluminum effluent limitation that is at least as stringent as state WQS. Requirement for aluminum effluent limitations more stringent than State WQS is not a condition of this certification.

Response: As required by the conditions of certification, EPA adds total recoverable aluminum limits to the following outfalls based on calculated acute aquatic life criteria:

Outfall #	13S	181	113	048	160
Al Limit (mg/l)	3.514	2.724	6.904	7.592	4.290

Comment [b14]: Maybe change pH to 6.5-9 so only within the range the Al applies and tie to needed to comply with the Cert condition? Any DMR data suggesting they are in the 6-6.5 range - if they don't discharge there anyway another reason 6.5-9 would be OK? Isn't the pH for the standard the instream pH - any info on instream pH?

It is not clear whether NMED has determined the impairment is based on new WQS for total recoverable aluminum or is based on the previous dissolved aluminum WQS. Because NMED did not provide specific aluminum limits for pH range of 6.0 – 6.5, also because the statement "Requirement for aluminum effluent limitations more stringent than State WQS is not a condition of this certification,"

One limit for
all pH

EPA is not able to establish effluent limitations for total recoverable aluminum for the pH range of 6.0 - 6.5 s.u. at those outfalls.

(Condition #3d) For Outfalls 051, 055 and 022 and to determine effluent characteristics, at least one time representative effluent characteristic analysis monitoring and reporting as soon as practicable for total recoverable aluminum for Outfalls 051, 055 and 022 and copper for Outfall 022 with a reopener clause condition is required in the Final Permit.

Response: As required by the conditions of certification, EPA adds a monitoring requirement for total recoverable aluminum for Outfalls 051, 055 and 022 and a monitoring requirement for dissolved copper for Outfall 022 at a frequency of once per permit term in the final permit.

(Condition #3e) For Outfalls 13S, 051, 055, 022, 181, 113, 048 & 160 and to determine effluent characteristics, at least one time representative effluent characteristic analysis monitoring and reporting as soon as practicable for adjusted gross alpha with a reopener clause condition is required in the Final Permit.

Response: As required by the conditions of certification, EPA adds a monitoring requirement for adjusted gross alpha for Outfalls 13S, 051, 055, 022, 181, 113, 048 & 160 at a frequency of once per permit term in the final permit.

Because NMED did not specify the sample type and monitoring frequency, grab sample type with the minimum frequency of 1/year as required by the federal regulation are established for parameters with limits. Monitoring frequency of once per permit term and grab sample are established for monitoring only parameters. The general reopener clause in Part II.E. covers the reopener clause requirement.

Condition #4 (Outfall 001, 6T3 Temperature Limitation with Schedule of Compliance) NMED conditioned that "The following additional limitations, measurement frequency and sample type must be incorporated into the Final Permit:

Pollutant	Limitation	Measurement Frequency	Sample Type
Temperature	6T3 Temperature of 20°C (68°F) shall not be exceeded for six or more consecutive hours in a 24-hour period on more than three consecutive days.	While discharging, measurement of temperature must be at a frequency not to exceed 1/hr. [NMED clarified that it should read as "... at a frequency not less than 1/hour."]	Grab [NMED clarified that continuous record could be used.]

NMED recognizes that new or updated temperature monitoring instrumentation and/or procedures and operational changes may be needed to meet the 6T3 temperature limitations for discharges from Outfall 001 to the effluent-dominated receiving stream. Therefore, USEPA may choose to include a compliance schedule in the Final Permit to require compliance at the earliest practicable time.

Response: As required by the conditions of certification, EPA adds the condition provided by the NMED to the final permit. But, because NMED has not developed an implementation procedure to implement 6T3 Temperature WQS through the NPDES permit, EPA establishes a compliance schedule as "the permittee must work with NMED to determine the final compliance schedule and notify EPA

Comment [b15]: We need to establish schedule. Can only change interim schedule dates with a minor mod. Perhaps a 3 year schedule with start monitoring after one year?.

3-year - 1 day schedule
Rewrite the response

accordingly.” So that EPA may incorporate the final compliance schedule into the permit through a minor permit modification process.

Condition #5 (Outfall 022, Effluent Monitoring and Limitations, Total Residual Chlorine) NMED conditioned that “If USEPA authorizes the discharge of once through cooling potable water in this permit action, then Part I.A of the Final Permit for Outfall 022 must also control TRC by the use of effluent limitations based on the most limiting applicable State WQS numeric criteria in 20.6.4.900 NMAC for the receiving stream in Segment 20.6.4.128 NMAC when Outfall 022 discharges once through cooling potable water. The following are the applicable and limiting numeric criteria in State WQS 20.6.4.900 NMAC:

Total Residual Chlorine	Wildlife Habitat	Acute Aquatic Life	
	11 µg/L	19 µg/L	“

Response: EPA did not propose to regulate TRC for the discharge of once through cooling potable water because such a discharge, if occurs, would be an emergency discharge for safety reason during unexpected electrical outage period. The permittee informed EPA that such discharges rarely happened and lasted only few minutes each time. It may be impracticable to require the permittee to dechlorinate portable water during an emergency circumstance when the portable water must be used to protect property, equipment or life when an unexpected upset occurs. For instance, EPA does not require an operator to dechlorinate portable water either before or after using portable water for fire fighting purposes. But However, as required by the condition of certification, EPA adds the TRC effluent limitation of 19 µg/l to the final permit.

Comment [b16]: What about the 11 µg/l part of the cert condition?

Reopen

Condition #6 (Outfalls 051, 055 and 022, Effluent Characteristic Analysis Monitoring and Reporting) NMED conditioned that “For Outfalls 051, 055 and 022, the Final Permit must include at least one time representative effluent characteristic monitoring and reporting as soon as practicable with a reopener clause condition to ensure that Permittee activities authorized in the NPDES permit are protective of applicable State WQS 20.6.4.128 and 20.6.4.900 NMAC consistent with CWA Section 401(d). USEPA must require effluent characteristic analysis monitoring, and may choose to require all required pollutants on NPDES Application Form 2C or the list of pollutants used to determine reasonable potential.” NMED also stated that “Consistent with the NMIP for non-perennial waters, the following pollutants, if there are no effluent limitations in the Final Permit, must be analyzed and reported (note “(D)” means dissolved) when a discharge from Outfalls 051, 055 and/or 022 occurs: Antimony (D), Zinc (D), Dieldrin, Arsenic (D), Aldrin, 2,3,7,8-TCDD dioxin, Nickel (D), Benzo (a) pyrene, Hexachlorobenzene, Selenium (D), Chlordane, PCBs, 4,4’ -DDT and derivatives, Tetrachloroethylene, Thallium (D).”

Response: As required by the conditions of certification, EPA adds the final permit includes one-time effluent characteristic analysis monitoring and reporting requirements when discharges occur to the final permit. The general reopener clause in Part II.E. covers the reopener clause requirement.

Condition #7 (Outfall 051, Effluent Limitations, Hardness-Based Metals, Lead) NMED conditioned that “The total lead limitations in the Draft Permit would exceed the calculated applicable dissolved lead Acute Aquatic Life State WQS numeric criteria in 20.6.4.900 NMAC at the total hardness required in the Draft Permit (50 mg/L or greater). Dissolved hardness to total hardness is assumed to be a 1:1 ratio consistent with USEPA reasonable potential analyses in the Fact Sheet. Using a dissolved hardness as

CaCO₃ of 50 mg/L, the dissolved lead Acute Aquatic Life numeric criteria presented in the table in State WQS 20.6.4.900(1)(3) NMAC is 0.030 mg/L (30 µg/L). USEPA must change lead limitations (calculated total lead and/or dissolved lead) that are at least as stringent as applicable and limiting State WQS numeric criteria for dissolved lead."

Response: As required by the conditions of certification, EPA recalculates the effluent limitations based on the WQS of 0.030 mg/l dissolved lead, and establishes total lead daily maximum of 0.115 mg/l and monthly average of 0.076 mg/l at Outfall 051.

Condition #8 (Outfall 051, Effluent Limitations, Hardness-Based Metals, Chromium) NMED conditioned that "For Outfall 051, the Final Permit must include at least one time representative effluent characteristic analysis monitoring when Outfall 051 discharges for both chromium III and chromium VI and reporting as soon as practicable...."

Response: As required by the conditions of certification, EPA ~~adds~~ has added a monitoring requirement for chromium III and chromium VI at Outfall 051 in the final permit.

Condition #9 (Additional Effluent Characteristic Analysis Monitoring for Chromium) NMED conditioned that "For Outfalls 027, 048 and 160, the Final Permit must include at least one time representative effluent characteristic analysis monitoring for chromium VI and reporting as soon as practicable...."

Response: As required by the conditions of certification, EPA ~~adds~~ has added a monitoring requirement for chromium VI at Outfalls 03A027, 03A048 and 03A160 in the final permit.

Condition #10 (Add Effluent Limitations if Reasonable Potential to Exceed State WQS, Additional Data submitted by Permittee) NMED conditioned that "USEPA reasonable potential analysis in the Fact Sheet indicated that for Outfall 027, effluent concentrations for total recoverable selenium had a reasonable potential to exceed State WQS, but those pollutants did not have effluent limitations in the Draft Permit. For Outfall 048, arsenic and total recoverable selenium had a reasonable potential to exceed State WQS, but those pollutants did not have effluent limitations in the Draft Permit. In addition to the monitoring and limitations in Part I.A, or as required as a condition of certification, the Final Permit must control all pollutants that have a reasonable potential to exceed State WQS by the use of effluent limitations based on the most limiting applicable State WQS numeric criteria for the applicable receiving stream, in this case Segment 20.6.4.126 or Segment 20.6.4.128 NMAC, as appropriate."

Response: Additional effluent data and information provided by the permittee have demonstrated no RP for total recoverable selenium at Outfall 03A027. The draft permit has ~~had~~ already included effluent limitations for total arsenic and total recoverable selenium at Outfall 03A048, which are retained in the final permit. No additional effluent limitations are required in the final permit.

EPA's Response to NMED's Comments

NMED Comment #1 (Monitoring Frequency): NMED requested USEPA to require a monitoring frequency for Outfall 051 of no less than once per year for PCBs, cadmium, mercury, nickel, and selenium. NMED requested that any case by case reasons for reducing the frequency found in NMIP Table 10 be documented in the Response to Comments for the Final Permit.

Comment [b17]: Was this correct?
Did draft permit have limits for
Ar/Se?

Yes, for
outfall 048

Response: Monitoring of those pollutants mentioned above is to collect data for future RP analysis and the frequency can be as few as once per permit term as described in NMED's Condition #6 for effluent characteristic analysis. No change is made.

NMED Comment #2 (Outfalls 027 and 199, Rerun Reasonable Potential to Downstream Water, if needed include Limitations): NMED commented that NMED supports USEPA conducting a reasonable potential analysis for discharges from Outfall 199 that will reach a downstream water in Segment 20.6.4.126 NMAC. The reasonable potential analyses for Outfalls 027 and 199 should have also included effluent characteristics of Outfall 001 as ambient stream concentrations. NMED requested USEPA to re-run the analysis with the additional data. If pollutants have a reasonable potential to exceed state WQS, then any additional WQBELs would need to be incorporated into the Final Permit.

Response: EPA appreciates the comment and will consider whether or not effluent characteristics of Outfall 001 can be used as ambient stream concentrations for RP analysis during the next permit renewal process.

NMED Comment #3 (Reopener Clause): NMED suggested additional language to be included in the reopener clause.

Response: EPA may, but is not obligated to, reopen the permit for modification when new information becomes available in accordance with 40 CFR Part 122.62. Because the clause "new information" is broad enough to include almost every any new information which may affect the permit conditions, it is not necessary to develop a permit-specific reopener clause. Also, the permit is designed to regulate the permittee, not the regulatory agency, and EPA also has the authority based on the federal regulations, not based on the permit languages, to modify the permit, if necessary. No change is made.

NMED Comment #4 (DOE/LANS Comments): NMED listed a summary of DOE/LANS LANL requests for changes in the final permit and requested that USEPA provide the final calculations used to determine effluent limitations in the Final Permit in their Response to Comments. NMED will review any changes between the Draft Permit and the Final Permit to determine if modifications (revision or addition) to this State conditional certification are warranted consistent with 40 CFR 124.53 and State WQS.

Response: For this permit, EPA has given NMED a period of 37 days after the end of public comment period for providing the State Certification letter. Since NMED has reviewed the permittee's comments and justifications for change of effluent limitations, NMED could verify whether any change of effluent limitations are consistent with State WQS or State 401 Certification conditions or not and provide NMED's comments and concerns to EPA with NMED's State Certification letter. EPA also provided NMED the RP spread sheet so NMED might re-run the RP for different scenario if necessary. EPA is not seeking for re-certification for issuance of the final permit.

EPA's Responses to Individual Citizens and Citizens Groups (Citizens) Comments

Because most of comments from individuals and citizens groups addressed the same issues, EPA's responses to those comments are focusing on consolidated by issues, whenever appropriate.

Comment [bl8]: Was this about monitor and report monitoring or limit monitoring. If no limit, the monitoring freq tables do not apply. If limit monitoring, do need to talk about doing less than IP.

*Monitoring/Reporting
OK*

Comment [bl9]: Assume they meant 001 enters arroyo and makes it wet and then downstream the other outfalls enter and mix with what is essentially 100% effluent from 001. Why wouldn't 001 data be a good surrogate for ambient? Problem would be what low flow to use.

We used 001 flow as low flow for RP. But 001 has PCB problem, it will make all downstream discharge to have PCB.

Comment [bl10]: Or was LANS correct - spell out?

Comment [bl11]: Maybe share changes with NMED prior to issuance and asked whether they needed to change? Then say proposed changes for the final permit were discussed with NMED and they did/did not want to change their 401. This was basically a placeholder that States can use to basically say if you change stuff to make less stringent, we get to think if we need to modify our 401.

Rewrote the Response.

Comment #1: Citizens commented that the NPDES permit allows for more than 1 million gallons of effluent to be discharged from industrial facilities into the canyons that flow to the Rio Grande every day.

Response: The above statement made by commenters is partially correct. This permit renewal action does allow discharges from Los Alamos National Laboratory into canyons and those canyons are connected to the Rio Grande. But ~~However~~, those permitted discharges typically soak into the floor of the canyons and do not reach the Rio Grande on the a daily basis. Rather, those discharges may reach the Rio Grande only due into direct response to precipitation events providing sufficient additional flow. EPA has no information how frequently, and how much, ~~loads of pollutants loads~~ loads may actually reach all the way to the Rio Grande.

Comment [b12]: Maybe add distance?

Comment #2: Citizens commented that to ensure that New Mexico surface water quality standards and EPA's anti-backsliding provision are met, EPA must require method 1668 for PCB monitoring and compliance purposes.

Response: As EPA explained that ~~The~~ current human-health-based effluent limitations and analytical method for polychlorinated biphenyls (PCBs) were incorporated into the expired permit in 2007, as the result of the previous condition of State certification. In the current draft permit, EPA proposed: 1) to establish a new PCB limitation based on a default modified harmonic mean flow, and 2) to require Method 1668 for monitoring purposes only, and 3) to allow the 0.2 µg/l minimum quantification level (MQL) for compliance purposes. All of these changes are either permitted under the anti-backsliding, or not in the scope of anti-backsliding provision. The rationale for those changes are:

1) To establish a new PCB limitation based on a default modified harmonic mean flow: The NM Water Quality Standards (NMWQS), section 20.6.4.11.B.(1) states "For human health-organism only criteria, the critical low flow is the harmonic mean flow; "harmonic mean flow" is the number of daily flow measurements divided by the sum of the reciprocals of the flows; that is, it is the reciprocal of the mean of reciprocals. For ephemeral waters the calculation shall be based upon the nonzero flow intervals and modified by including a factor to adjust for the proportion of intervals with zero flow." The PCB limitation established in the expired permit was based on "zero" harmonic mean flow which was conflict with the NMWQS. The proposed PCB limitation is based on a "non-zero" harmonic mean flow which is in compliance with NMWQS. Therefore, even the proposed limitation is less stringent than the previous limitation, the change is not contrary to the anti-backsliding policy because the previous limitation was an error.

2) To require Method 1668 for monitoring purposes only: The Clean Water Act (CWA), section 402(o) addresses the anti-backsliding prohibition, and it specifically prohibits less stringent effluent limitations with a provision of exceptions, but does not address about the analytical method. In the fact sheet of the draft permit, EPA explained that Method 1668 (or PCB congener method) is not an EPA approved 40 CFR part 136 method. In the Federal Register Vol. 77, No. 97 (May 18, 2012), in EPA's final rule for "Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act; Analysis and Sampling Procedures;" EPA stated "EPA is still evaluating the large number of public comments and intends to make a determination on the approval of this method at a later date." EPA also listed criticisms of the inter-laboratory study which include: (1) EPA did not produce documentation supporting changes to the method approved by EPA for the interlaboratory study, (2) the raw data for wastewater and biosolids was poor and is not fit for use in a comprehensive interlaboratory study, (3) EPA cited certain guidelines such as ASTM but deviated from those guidelines (e.g., used only one

No. They know the
greens better than we
do.

Youden pair per matrix), (4) the peer reviewers' qualifications were questioned, (5) the addendum and the pooled MDLs/MLs were not subjected to peer review, (6) MDL/ML are flawed, the process to calculate MDLs/MLs for congeners that co-elute was flawed, the MDL/ML ignored the ubiquitous problem of background contamination, and (7) the validation study did not include all matrices in the method (soil and sediment excluded). In addition, some commenters also suggested that EPA should first promulgate new detection and quantitation procedures. Further, commenters raised questions about possible adverse effects of this new method on compliance monitoring as well as concerns about data reporting and costs."

Because Method 608 or 625 (or PCB Aroclor method) is an approved 40 CFR part 136 method, EPA Regulations at 40 CFR 122.44(i)(1)(iv) require use of an approved method for compliance purposes, but allows the permitting authority to specify a non-approved test method where there is no approved method. might not require the permittee to use an unapproved method, when an approved method is available, for compliance purposes. Since Method 608 or 625 are approved test methods that could be used for compliance purposes, EPA proposed to use the unapproved Method 1668 for reporting purposes to gather data at lower detection levels. only because the permittee agreed to do so.

3) To allow the 0.2 µg/l minimum quantification level (MQL) for compliance purposes: EPA has developed MQLs to monitor compliance for permit limits below analytical values. The 0.2 MQL for PCB's reporting and compliance purposes is based on EPA approved analytical method for PCBs. Because Method 1668 for PCBs has not been approved, the MDL/ML for Method 1668 which were criticized by industry could not be used for compliance purposes. The permittee provided EPA with congener-based MQLs in accordance with the previous permit condition. But before Method 1668 and its MDL/ML are approved by EPA, EPA may not use the permittee developed congener-based MQLs for compliance purposes. Once EPA has the approved congener method and MQLs, EPA will apply the approved method and MQLs to all dischargers.

However, Clean Water Act §401 allows states to require more stringent requirements as a condition for certification of the permit and regulations at 40 CFR 124.55(a)(2) requires the EPA to include requirements specified in a state certification under 40 CFR 124.53(e). Because New Mexico Environment Department (NMED) requires Method 1668 and congener-based MQLs to be used for compliance purposes as conditions of State certification, EPA incorporate those conditions into the final permit.

Comment #3: Citizens commented that effluent limits (or at the very least monitoring and reporting requirements) for impaired parameters should be required at outfalls into Montandad Canyon and Canada del Buey.

Response: The New Mexico 305b/303d Report has listed Montandad Canyon (where Outfalls 03A022, 03A181, and 051 discharge to) and Canada del Buey (where Outfall 013 discharges to) as impaired waterbodies. The Report also has identified aluminum, copper and adjusted gross alpha as probable causes for Montandad Canyon impairment and aluminum, adjusted gross alpha and PCBs as probable causes for Canada del Buey impairment. As explained in the fact sheet, EPA did not establish effluent limitations for those impaired parameters because reasonable potential to exceed applicable water quality standards were not demonstrated, and also because NMED has not developed TMDLs (total maximum daily loads) for those parameters. In order to collect more data for further evaluations, EPA adds quarterly monitoring requirements for aluminum, copper and adjusted gross alpha at Outfalls

*May need to keep it.
Because we have no
authority to use un-approved
method.*

03A022, 03A181, and 051 when discharges occur; and quarterly monitoring requirements for aluminum, adjusted gross alpha and PCBs at Outfall 013 if a discharge occurs.

Comment #4: Citizens commented that due to the drastically changed landscape due to large scale fires and drought, EPA must conduct updated Endangered Species Act (ESA) consultation with the US Fish and Wildlife Service (FWS) on southwestern willow flycatcher, black-footed ferret and Mexican spotted owl.

Response: EPA made the determination of “no effect” upon the 2000 consultation baseline. Although the wild land fire may change the environmental baseline, this permitting action will not result in fire or drought. As stated in the fact sheet and cited by the commenter, the Fish and Wildlife Service (FWS) found that the re-issuance of the NPDES permit would have “no effect” on the Mexican spotted owl and “may affect, not likely to adversely affect” the southwestern willow flycatcher. The FWS did not find that the black-footed ferret was present in the permit action area. EPA ~~remained~~retained the “no effect” determination for Mexican spotted owl and black-footed ferret. In terms of effects on southwestern willow flycatcher, LANL has provided a statement “The only area of habitat that we currently manage as Southwestern Willow Flycatcher habitat is the wetlands complex on the north side of Pajarito Road just east of TA-18. We have been surveying the area since the mid-90s and have never had any nest, but we occasionally do have migrant Willow Flycatchers come through. Since none of them have stayed and nested we cannot say that they were the endangered southwestern subspecies.” Furthermore, there is no NPDES outfall discharging to Pajarito Canyon where the habitat is located. Based on the information available, since the southwestern willow flycatcher has not been observed for staying or nesting in LANL and no NPDES outfall discharge is to the habitat area, EPA has determined that this permitting action has also no effect on southwestern willow flycatcher. Therefore, EPA has determined that the reissuance of this permit will have no effects on any of those species.

Comment #5: Citizens commented that the final permit must do more to protect intermittent streams at LANL by applying the chronic life criteria to intermittent streams when calculating effluent limits.

Response: The NMWQS defines the reaches and designated uses of intermittent streams within the LANL. Both ephemeral and intermittent streams within the LANL are categorized as 20.6.4.128 Rio Grande Basin and the designated uses for those streams are livestock watering, wildlife habitat, limited aquatic life and secondary contact. The NMWQS, section 20.6.4.900.H(7) states “Limited Aquatic Life: The acute aquatic life criteria of Subsections I and J of this section apply to this subcategory. Chronic aquatic life criteria do not apply unless adopted on a segment-specific basis. Human health-organism only criteria apply only for persistent pollutants unless adopted on a segment-specific basis.” ~~It is not EPA’s position by by-passing state WQS to establish more stringent requirements through the NPDES permitting process. NPDES permits are written to protect designated uses the State has assigned and do not circumvent the State’s authority and the water quality standards process by assuming other uses apply.~~ Citizens may continue to pursue NMED for changes of designated uses for intermittent streams within the LANL.

Comment #6: Commenters requested ~~that~~ EPA ~~to~~ include additional languages in the fact sheet about the following issues:

a. For Outfall 05A055, please include additional language in the Fact Sheet, as explained at the public meeting, about why permit limits for TNT at LANL are based on those for the Pantex plant.

Response: When state water quality standard or federal effluent limitation guidelines are not available to address the discharge from a particular process, EPA may establish monitoring requirements or effluent limitations based on the best professional judgment (BPJ) per 40 CFR §122.44 (a). To adopt a limit from the NPDES permit for another similar process is one of the approaches used by EPA to establish a BPJ-based limit. No change to the final permit required in response to this comment.

b. For Outfall 13S, please include additional language in the Fact Sheet, as explained at the public meeting, about how the SERF treatment process removes PCBs and silica.

Response: Comment noted for the record. No change to the final permit required in response to this comment.

Comment [b113]: Should we say something on how the process removes PCBs and silica? Or was this something LANL said?

In application

c. V.7. Sewage Sludge Management. We learned at the public meeting that the Permittees plan to utilize state regulations for using sewage sludge as compost, possibly for reclamation sites (in order to provide nitrogen to the soils). The Permittees are working with NMED and the Solid Waste Bureau and the Ground Water Quality Bureau for registration and permitting. Please include language in the Fact Sheet, similar to that provided for the Section 401 certification process, that explains the public comment process for each and how a member of the public may sign-up for the Facility Mailing List for each bureau.

Response: EPA does not process the permittee's application to NMED for sewage sludge management. Citizens may contact NMED for public awareness information on how to participate in this State process.

d. VI. CWA 303(d) Impaired Water. Please include language in the Fact Sheet that NMED reviews the data for the Integrated Report and that the final report is submitted to EPA every two years. The next report is due to EPA in April 2014.

Response: Comment noted for the record. No change to the final permit required in response to this comment.

f. IX. Historical and Archeological Preservation Considerations. Please correct "mining" to "nuclear weapons research and development facility."

Response: Comment noted for the record. No change to the final permit required in response to this comment.

Comment noted:

Please note: EPA Region 6 does not revise the fact sheet which is used to provide information and explanations how EPA Region 6 develops conditions for the proposed permit. However, written documents and/or information provided during the public comment period and EPA prepared response to comments will be parts of administrative records.

Comment #7: Citizens requested that EPA investigate why LANL and Los Alamos County are not subject to the Multi-sector General Permit 4 (MS-4) for their stormwater discharges into the canyons that flow to the Rio Grande.

Response: (Brent, please provide response)—The EPA interprets this comment to refer to permitting of municipal separate storm sewer systems (MS4s) rather than the Multi-sector General Permit for storm water associated with industrial activity. MS4 permits are required for MS4s located within Urbanized Areas designated by the Bureau of the Census or where there has been a designation by the permitting authority. Los Alamos is not in a Urbanized Area and no separate designation has been made, so the MS4s in the Los Alamos area are not currently required to have MS4 permits. Industrial storm water permits are required regardless if located in or out of an Urbanized Area. LANL has an individual permit (NM0028355) covering industrial storm water.

EPA's Responses to LANL's Comments

General Comment #1: LANL commented that it supports the EPA's proposed limitations on the use of the PCB congener method for reporting purposes only and not for enforcement purposes. EPA issued a proposal (FR Vol. 75, No. 222, November 18, 2010) to incorporate the method into 40 CFR Part 136 and accepted comments addressing the validity of the method. EPA received comments from 35 respondents; only five (three states, one laboratory, and one laboratory organization) supported inclusion into Part 136. On May 18, 2012 EPA withdrew the proposed incorporation of the method (FR Vol. 77 No. 97, May 18, 2012). Moreover, LANL is the only known facility in New Mexico where the congener method is being used to determine compliance with an NPDES permit limit. The proposal to use Method 1668 for monitoring and reporting only is consistent with all other New Mexico NPDES permits that specify use of the method.

Response: Comment noted.

General Comment #2: LANL requested inclusion of schedules for compliance in the final permit, if necessary to address requirements incorporated into the final permit. LANL did not request a compliance schedule for specific requirements in the draft permit but will need to evaluate if compliance schedules are necessary to address any new or revised permit requirements incorporated into the final NPDES permit.

Response: Compliance schedules will be provided for those effluent limitations added to the final permit due to State conditions of certification - if allowed by the State certification.

Comment [b14]: Should mention any schedules.

General Comment #3: LANL requested elimination of the requirements related to selenium at Outfalls 03A027, 03A048, and 03A199 because there was no reasonable potential (RP) for selenium water quality standard exceedances. LANL explained that the appearance of selenium in samples taken at cooling towers was a false positive caused by bromine analytical interference. These cooling towers routinely use bromine as a biocide. It has been well established that when using EPA Method 200.8 (ICP-MS) for selenium analyses and bromine is present in the waste stream, there will be a positive interference and selenium will appear to be present in the sample. LANL documented this occurrence in comments submitted to EPA in 2006 on the current permit. As a result, the LANL used SW 846 Method 7742 (included in Section G. Test Methods in Part II of the current permit) for selenium monitoring and reporting purposes during the existing permit monitoring period. However, during sampling, analyses and reporting for NPDES Reapplication Project (Summer/Fall 2011), some selenium

results were reported on the EPA's application Form 2C using EPA Method 200.8. These results indicated the presence of selenium, but they were false positives due to the presence of bromine. Upon discovery of the false positives, split samples from Summer/Fall 2011 were sent to the analytical laboratory for selenium re-analysis using SW 846 7742. The split sample results confirmed that selenium was not present in the samples. More recent sample results were also included.

Response: Sample results submitted by LANL indicate that results from EPA Method 200.8 have demonstrated RP and results from SW 846 7742 have demonstrated no RP. When EPA recalculated the RP based on the average value of all selenium data, the instream waste concentration (IWC) at Outfall 03A027 is 3.11 µg/l, at Outfall 03A048 is 8.62 µg/l, and at Outfall 03A199 is 0.47 µg/l, respectively. The most stringent applicable stream standard for total selenium is 5.0 µg/l. Therefore, EPA determines that there is no reasonable potential for selenium water quality standard exceedances at Outfalls 03A027 and 03A199. Effluent limitation remains for Outfall 03A048. Because EPA did not propose selenium limitations at Outfalls 03A027 and 03A199, no change is necessary.

General Comment #4: LANL requested that EPA deletes Part I.B. Reporting of Monitoring Results (Major Discharges) from the draft permit, and retain only Part III.D.4 Discharge Monitoring Reports and Other Reports of this permit until the proposed NPDES Electronic Reporting Rule (FR/Vol. 78, No.146/July 30, 2013) is promulgated.

Response: Request is denied. Part I.B. Reporting of Monitoring Results applies to all dischargers. EPA was intent was to require LANL to start using electronic reporting system (NetDMR) prior to the promulgation of EPA's NPDES Electronic Reporting Rule. Because LANL ~~has is~~ not ready yet, EPA modifies the final language from "Monitoring information shall be submitted electronically as specified in Part III.D.4 of this permit..." to "Monitoring information shall be submitted as specified in Part III.D.4 of this permit..."

Comment [b115]: Check w/ 6EN on this.

We should have provided options to all NM permits

General Comment #5: LANL requested reduction in sampling frequencies at Outfalls 051 and 03A160 to once-per-week based on low discharge volumes and frequencies, and NMIP guidelines.

Response: EPA determines not to reduce the monitoring frequency for these two outfalls based on the following reasons: 1) discharges at Outfall 03A160 have potential to occur daily even though the discharge volume may be low; and 2) the permit allows LANL to adjust effluent hardness value so the discharge, if occurs, at Outfall 051 may comply with hardness dependent metal limitation and toxicity test; therefore, EPA considers that Outfall 051 may have potential to discharge more frequently. This decision will not cause additional monitoring burden at Outfall 051 when evaporators are used.

Comment [b116]: ??? and no discharge occurs???

General Comment #6: LANL requested the deletion of the WET monitoring and reporting requirements for Outfalls 001, 03A027, 03A160, and 03A199 based on past WET testing results.

Response: The draft permit does not require WET tests at Outfall 03A160 and 03A199 because previous WET test results have demonstrated that discharges from these outfalls have met "effluent characterization single WET sample event" (Ec) requirement. Discharges at Outfall 001 are considered from a power utility, therefore, Ec does not apply to Outfall 001. Although Outfall 03A027 could be considered for Ec, the increase of discharge flow made the previous WET test result non-representative. Therefore, WET testing requirement for Outfall 03A027 is required. No change is made to the final permit.

General Comment #7: LANL requested that the EPA changes notification and reporting requirements for spills and overflows on Page 1 of Part II.B of the draft NPDES permit from a 24-hour oral and 5-day written report to a 24-hour oral and a 7-day written report, so it will be consistent with the New Mexico Water Quality Control Commission regulations.

Response: Pursuant to 40 CFR §122.41(I)(6), under the provision of 24-hour reporting requirements for noncompliance which may endanger health or the environment, an oral reporting within 24 hours, followed by a written submission within 5 days of the time the permittee becomes aware of the circumstance shall be provided to the agency. The State's 7-day written reporting requirements are not consistent with federal requirements. No change is made to the final permit.
No change is made.

General Comment #8: LANL requested EPA to refrain from adding any new effluent limits into the final permit for Outfalls 05A055 (no discharge since November 2007) and 051 (no discharge since November 2010) at this time. Establishing new effluent limits prior to evaluating new data would be premature and not be representative of existing conditions and treatment at the facilities, and effluent quality discharged to the environment. LANL requested the opportunity to provide EPA with new data for Outfalls 051 and 05A055, if discharges through these outfalls are initiated during the life of the new permit. These data would be used by EPA to evaluate the reasonable potential of water quality standard exceedances, and to establish potential new effluent limits at the respective outfalls based on current treatment technology at the time of discharge.

Response: It seems that LANL included this comment as a precaution to NMED's conditions of certification. EPA does not plan to add new water quality-based effluent limitations to these two outfalls because they have not discharged for several years and there have no effluent data available for reasonable potential screening. However, if NMED establishes any conditions of certification related to these two outfalls, EPA will issue the permit with conditions as required by the State conditions in accordance with 40 CFR §124.55. If that is the case, LANL may appeal such permit conditions to the State.

Outfall 001 Specific Comments

Comment #1: LANL supported that lack of aluminum monitoring and reporting requirements and notes that the "no RP" conclusion was based on proper sampling methods.

Response: Comment noted.

Comment #2: LANL requested the deletion of the WET monitoring and reporting requirements for Outfall 001 based on past WET testing results (no lethal effects to test species at or below the critical dilution of 100%).

Response: The discharge at Outfall 001 is categorized as power utility, therefore, chronic WET tests with a frequency of once per 5-years are required.

Comment #3: LANL requested to add Technical Area code (TA-3-22) to the description of Outfall 001.

Response: Technical Area code has been added as requested.

Comment [b17]: Revise based on what NMED actually put in the 401. Response seems to anticipate a 401 we did not yet have.

Revised 7/1

Comment [b18]: ?? check with Paul?

Yes, for mirror rod.

Outfall 13S Specific Comments

Comment #1: LANL requested the Latitude/Longitude modification be incorporated into the permit to identify the change in sampling location. The discharge location/sampling location for Outfall 13S is Latitude 35°51'08"N, Longitude 106°16'29"W. This is the location where Outfall 13S discharges into Canada del Buey.

Response: Change is made accordingly.

Comment #2: LANL requested to add TA-46-347 to the description of Outfall 13S.

Response: TA-46-347 has been added to Outfall 13S.

Comment #3: LANL provided the following statement and comment in response to a citizen's question about sanitary sludge composting activities at LANL.

"Public comments at the EPA Public Meeting on July 30, 2013 requested further information about composting activities at LANL. On August 15, 2012 the DOE/LANS notified EPA Region VI of its intent to compost and land apply biosolids at the Laboratory for beneficial use. The compost operation would take place at the Laboratory's TA-46 Sanitary Waste Water System (SWWS) Facility. Prior to initiating operations, the facility must register with the NMED's Solid Waste Bureau and provide a Notice of Intent to NMED's Ground Water Quality Bureau. The NOI and registration were submitted to NMED on July 31, 2012 and August 1, 2012 respectively. On December 21, 2012 DOE/LANS received a response from NMED suggesting the proposed land application would be surface disposal and not land application for beneficial use. LANS have consulted with NMED and intend to clarify and re-submit the NOI.

Upon approval of the composting operation and land application method by NMED, Part IV Element 1 of the draft NPDES permit sets out requirements and conditions for preparation and reuse of biosolids (compost). The requirements are based on 40 CFR Part 503 regulations – Standards for the Use or Disposal of Sewage Sludge. The conditions in Part IV of the draft NPDES permit include: ceiling concentrations for metals and PCBs; monitoring and testing requirements; pathogen control; vector attraction reduction; general conditions; management practices; and, notification requirements. The draft permit and existing state and federal requirements adequately protect human health and the environment. Therefore no additional monitoring and reporting should be required."

Response: Statement and comment are noted.

Outfall 051 Specific Comments

Comment #1: LANL commented that public comments brought up at the EPA Public Meeting on July 30, 2013 requested further information regarding prior WET testing at RLWTF and recommended that this information be incorporated into the fact sheet for Outfall 051. LANL does not oppose this information being provided in the fact sheet and/or response to comments. Detailed information regarding prior WET testing and LANL's related corrective actions can be found in the quarterly compliance reports submitted to EPA from 2007 – 2013.

Comment [bl19]: Find the citizen comment on this and add a reference to this one? After reading this one, appears that response to Citizens may be wrong - was assuming they were applying for a state permit and this implies maybe applying for MSGP coverage????????? NOIs for MSGP are in the eNOI system and available for review for 30 days (ck with Nelly) prior to coverage - but there isn't a separate PN or public comment period for each NOI.

It happened at
Public meeting
It's about
sludge disposal/
Land App. State permit

Response: Comment noted.

Comment #2: LANL requested to add TA-50-1 to Outfall 051.

Response: TA-50-1 has been added to description of Outfall 051.

Comment #3: LANL requested the flow monitoring requirements be changed from continuous/record to an estimate/once-per-day basis. RLWTF has not discharged since November 2010. If discharges to the Outfall 051 resume, it is estimated that RLWTF would only discharge intermittently under batch treatment and release. Flow is currently measured and reported based on tank volume discharge.

Response: Because RLWTF would only discharge intermittently under batch treatment if discharges resume, continuous/record monitoring is not necessary and daily estimate flow based on tank volume shall serve the purposes. Changes have been made accordingly to the final permit.

Comment #4: LANL requested that the definition of "estimate" for Outfall 03A022 be incorporated into the permit for Outfall 051. "Estimate" flow measurements shall not be subject to the accuracy provisions established at Part III.C.6. The daily flow value may be estimated using best engineering judgment.

Response: Note for "estimate" flow measurements has been added to the final permit.

Comment [b120]: Don't we want some level of accuracy on the estimate?

Comment #5: LANL requested the sampling frequencies for copper, zinc and hardness be changed to once-per-week based on the NMIP. See General Comment #5.

Response: EPA determines to keep the 3/week frequency in case discharges at Outfall 051 occur more frequently. LANL is required to take one sample per day and up to three samples per week if discharges occur three or more days per calendar week.

Comment #6: LANL requested that the required 3-hr. composite WET test be replaced with a grab sample requirement. Typical flow durations for discharges from RLWTF through Outfall 051 only last approximately 1-1.5 hours. The NMIP sample type for once-per-week discharges at industrial outfalls is generally by grab and is appropriate here.

Response: The definition of "3-hour composite sample" given at Part II, section C.3. of the permit states "The term "3-hour composite sample" means a sample consisting of a minimum of one (1) aliquot of effluent collected at a one-hour interval over a period of up to 3 hour discharge." If only one or two samples could be collected, the operator may use whatever has been collected for composite and/or analysis. No change is made.

Outfall 05A055 Specific Comments

Comment #1: LANNL requested that the new permit retain "Estimate" for the flow monitoring requirement at Outfall 05A055. The current permit defines "Estimate" as flow values that are be estimated using best engineering judgment. Outfall 05A055 has not discharged since November 2007. Typical discharges prior to November 2007 were low in volume and short in duration.

Yes, estimate,
calculation, ...

Response: Because no loading limitations are established at Outfall 05A055 and no discharge has been made since 2007, “estimate” flow are retained from the expired permit. EPA may reconsider the monitoring type if LANL resumes the discharge at Outfall 05A055.

Outfall 03A022 Specific Comments

Comment #1: LANL requested that the permit also incorporate once through cooling into the discharge description for emergency use only.

Response: Discharges of once-through cooling water for emergency only is added to the description of discharge in the final permit.

Comment #2: LANL requested the outfall be renamed “04A022”. Historically, non-contact cooling water was categorized by the 04A designation. Outfall category 03A of the current permit is for treated cooling tower water discharges. The outfall description for 03A022 specifically states “Cooling tower blowdown is not authorized for discharge at this outfall.” Therefore, the change of outfall name to 04A022 is more appropriate.

Response: Outfall 04A022 is assigned to this outfall.

Outfall 03A027 Specific Comments

Comment #1: LANL commented that EPA’s RP calculation sheet documents an RP for selenium, but monitoring/reporting requirements and effluent limits are not incorporated into the draft permit. LANL requested EPA not incorporate monitoring and reporting requirements or effluent limits in the permit for selenium at Outfall 03A027 due to analytical interference when using EPA Method 200.8. See General Comment #3.

Response: See EPA’s response to LANL’s General Comment #3.

Comment #2: LANL requested the deletion of the WET monitoring and reporting requirements for Outfall 03A027 based on past WET testing results (no lethal effects to test species at or below the critical dilution of 100%). See General Comment #6.

Response: See EPA’s response to LANL’s General Comment #6.

Comment #3: LANL commented that Outfall 03A027 description should delete the reference to cooling tower TA3-285. Cooling tower TA3-285 has been inoperable for years and was demolished in 2012.

Response: TA3-285 has been deleted from the outfall description.

Comment #4: LANL requested the sample frequency for E Coli be changed to two-per-month, as indicated in the fact sheet. Page 15 of Part I.A of the draft permit specifies an E. Coli monitoring frequency of two-per-week. The monitoring frequency is 2-per-month based on the frequency recommended in the NMIP for a municipal facility with activated sludge technology and a design flow of $0.1 < 0.5$ MGD.

Response: Monitoring frequency for E. coli has been changed to 2/month.

Outfall 03A048 Specific Comments

Comment #1: LANL requested the monitoring/reporting requirements and the effluent limits for selenium be deleted based on false positive results using Method 200.8. See General Comment #3.

Response: EPA recalculated the RP based on all effluent data available provided with LANL's comments and found RP for Outfall 03A048. See EPA's response to LANL's General Comment #3.

Outfall 03A160 Specific Comments

Comment #1: LANL requested deletion of cyanide requirements at Outfall 03A160. Cyanide is not used in operations of the cooling tower. The cyanide levels may have been a result of impacts from flying ash during the Las Conchas fire being deposited in the cooling tower. Additional cyanide samples recently collected at 03A160 do not confirm the result from the July 18, 2011 sample. In the alternative, if EPA retains cyanide requirements, LANL requested a reduction in sampling frequency from three-per-week to once-per-week at Outfall 03A160.

Response: Because cyanide concentrations in five additional samples taken during the comment period are all below the most stringent cyanide standard and below EPA's MQL, the average value of all data have demonstrated no RP, and cyanide is not used in operations, EPA determines to delete the effluent limitation for cyanide. But, because samples still showed trace amounts of cyanide, a monthly monitoring requirement is established to collect more data for future evaluation.

Comment #2: LANL requested a reduction in sampling frequency for copper from three-per-week to once-per-week at Outfall 03A160 based on NMIP. See General Comment #5.

Response: See EPA's response to LANL's General Comment #5.

Comment #3: LANL requested the deletion of the WET monitoring and reporting requirements for Outfall 03A160 based on past WET testing results (no lethal effects to test species at or below the critical dilution of 100%). See General Comment #6.

Response: See EPA's response to LANL's General Comment #6.

Outfall 03A199 Specific Comments

Comment #1: LANL commented that EPA's Fact Sheet and RP calculation sheets documents an RP for selenium at Outfall 03A199, but monitoring/reporting requirements and effluent limits are not incorporated into the draft permit. False positives for selenium at this cooling tower were caused by bromine analytical interference. LANL requested EPA not incorporate monitoring and reporting requirements or effluent limits in the permit for selenium at Outfall 03A199. See General Comment #3.

Response: See EPA's response to General Comment #3.

Comment #2: LANL commented that EPA's Fact Sheet and RP calculation sheets documents an RP for cyanide at Outfall 03A199 but monitoring/reporting requirements and effluent limits are not incorporated into the draft permit. The cyanide result in EPA's RP calculation sheet is documented at 13.6 µg/l. However, the NPDES Re-applications Form 2C documents a non-detect analytical result for

cyanide ($< 1.5 \mu\text{g/l}$). LANL requested that EPA not include monitoring and reporting requirements or permit requirements for cyanide because no reasonable potential exists.

Response: The cyanide value used in RP screening was an error. Because there is no RP, effluent limitations and monitoring requirements for cyanide are not established in the permit.

Comment #3: LANL commented that EPA's RP calculation sheet documents a reasonable potential for copper at Outfall 03A199, but monitoring/reporting requirements and effluent limits are not incorporated into the draft permit. Based on the copper result of $13.2 \mu\text{g/l}$ and a hardness of 122 mg/l in the permit reapplication Form 2C, the potential effluent limit should be $26.7 \mu\text{g/l}$.

Response: RP analysis indicated that the discharge at Outfall 03A199 has a RP to exceed the acute aquatic life standard in the perennial portion of Sandia Canyon in Waterbody Segment No. 20.6.4.126. The stream hardness of 78.8 mg/l in that water segment was used to calculate the effluent limitations. No change is made.

Comment #4: LANL requested the deletion of the WET monitoring and reporting requirements for Outfall 03A199 based on past WET testing results (no lethal effects to test species at or below the critical dilution of 100%). See General Comment #6.

Response: See EPA's response to LANL's General Comment #6.